

CHRISTOPHER CHIOU
Acting United States Attorney
Nevada Bar Number 14853
JEAN N. RIPLEY
Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Tel: 702.388.6336 / Fax: 702.388.6418
Jean.Ripley@usdoj.gov

Attorneys for the United States

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL VALENTINE CWALINA, II,

Defendant.

Case No.: 2:22-mj-00074-NJK

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou, United States Attorney, and Jean N. Ripley, Assistant United States Attorney, counsel for the United States of America, and Robert M. Draskovich, counsel for Defendant Paul Valentine Cwalina, II, that the Court schedule the preliminary hearing in this case for no earlier than ninety (90) days from the date of this Stipulation. Specifically, the parties request that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest. *See* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that, “[w]ith the
3 defendant’s consent and upon a showing of good cause—taking into account the public
4 interest in the prompt disposition of criminal cases—a magistrate judge may extend the time
5 limits [for preliminary hearings] one or more times.” Here, the parties intend to pursue a
6 potential resolution of this matter before defendant is formally charged by indictment.

7 2. In that regard, the government will be providing defense counsel with
8 discovery in order to facilitate pre-indictment resolution. Defense counsel will need
9 additional time to review the discovery and discuss the case with his respective client prior
10 to a preliminary hearing or indictment.

11 3. This continuance is not sought for the purposes of delay, but to allow defense
12 counsel an opportunity to examine the merits of this case and the parties to pursue a
13 potential resolution.

14 4. Defendant Paul Valentine Cwalina, II is not in custody and agrees to the
15 continuance.

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5. This is the first request by the parties for an extension of the deadlines by which to conduct the preliminary hearing and to file an indictment.

DATED this 7th day of February, 2022.

Respectfully submitted,

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Robert M. Draskovich
Robert M. Draskovich

/s/ Jean N. Ripley
Jean N. Ripley
Assistant United States Attorney

Counsel for Defendant Paul Cwalina, II

Counsel for the United States

**UNITED STATES DISTRICT COURT
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FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties have requested to continue the preliminary hearing in the above-captioned case to facilitate pre-indictment resolution, and the government will be providing defense counsel with discovery for that purpose. Defense counsel will need additional time to review the discovery and discuss the case with his client prior to a preliminary hearing or indictment.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant Paul Valentine Cwalina, II is not in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow defense counsel an opportunity to examine the merits of this case and the parties to pursue a potential resolution.

5. For the foregoing reasons, there is good cause to continue the preliminary hearing and allow the parties to pursue a pre-indictment resolution of this case. The

1 additional time requested by this stipulation is excludable in computing the time within
2 which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and
3 considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

4 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the
5 above-captioned matter for defendant Paul Valentine Cwalina, II, previously scheduled for
6 February 10, 2022, at 4:00 p.m., be vacated and continued to May 9, 2022, at 4:00 p.m.,
7 in Courtroom 3C.

8 DATED this 8th day of February, 2022.

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11 HONORABLE NANCY J. KOPPE
12 UNITED STATES MAGISTRATE JUDGE
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